

REMARKS

The "Related US Application Data" section of the specification was amended to include the most current status (i.e. US Patent No.) for the related application.

The Office Action rejected claims 1-19 based on the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Pat. No. 6,663,627. Applicants respectfully disagree. However, solely in an effort to expedite prosecution of this case, and not as an admission as to the propriety of the rejection or the independence of the two applications, applicants herein submit a terminal disclaimer. See *Pharmacia Corp. v. Par Pharmaceutical, Inc.*; 417 F.3d 1369; 2005 U.S. App. Lexis 16690 (Fed. Cir. 2005). As a result, it is respectfully submitted that the obviousness-type double patenting rejection should be withdrawn.

Please charge the fee of \$ 130.00 for the terminal disclaimer to Deposit Account No. 13-2546.

A petition for a three (3) month extension of time under 37 C.F.R. 1.136(a) has been filed with this amendment.

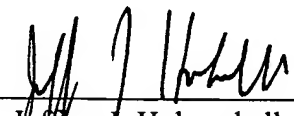
Please charge the fee of \$1,020.00 for the petition for a three month extension of time to Deposit Account No. 13-2546.

If the Examiner comes to believe that a telephone conversation may be useful in addressing any remaining open issues in this case, the Examiner is urged to contact the undersigned attorney at 763-391-9661.

Please charge any additional required fees or credit any overpayment to Deposit Account No. 13-2546.

Date October 27, 2005

By


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